

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY ag D.C.
05 SEP 27 PM 2:17

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

DENNIS CRAIG, et al.,

Plaintiffs,

v.

ST. JUDE MEDICAL, INC., et al.

Defendants.

NO.: 05-2564-D-An

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates were established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): September 30, 2005

JOINING PARTIES:

for Plaintiff: September 30, 2005

for Defendant: September 30, 2005

AMENDING PLEADINGS:

for Plaintiff: September 30, 2005

for Defendant: September 30, 2005

COMPLETING ALL DISCOVERY: April 9, 2006

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and
REQUESTS FOR ADMISSIONS:** January 6, 2006

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 9/28/05

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- (b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**
(i) Plaintiff's Experts: **February 9, 2006**
(ii) Defendant's Experts: **March 9, 2006**
(iii) Supplementation under Rule 26(e): **March 23, 2006**

(c) **DEPOSITIONS OF EXPERTS:** **April 9, 2006**

FILING DISPOSITIVE MOTIONS: **May 9, 2006**

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: **45 days before trial**
(b) for Defendant: **30 days before trial**

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 7-10 days. The presiding judge will set this matter for **JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Miscellaneous:

The Defendants advised the Court that if there is a trial of this case, it is the Defendants position that the trial should be bifurcated, with the issue of causation and damages tried before those pertaining to allegations of liability. The decision as to whether reverse bifurcation should be utilized in this matter will be made by the District Judge after the parties have fully briefed the issue.

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

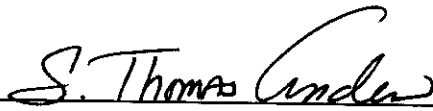
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: September 26, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 38 in case 2:05-CV-02564 was distributed by fax, mail, or direct printing on September 28, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT